

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LARRY GAPEN,

Petitioner,

: Case No. 3:08-cv-280

- vs -

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent.

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**NOTICE**

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The Court takes judicial notice that juror Mark E. McGuire died on January 19, 2012.

See: [www.legacy.com/obituaries/dayton/obituary.aspx?n=mark-e-maguire&pid=155570421&fhid=5276](http://www.legacy.com/obituaries/dayton/obituary.aspx?n=mark-e-maguire&pid=155570421&fhid=5276).

January 23, 2012.

s/ **Michael R. Merz**  
United States Magistrate Judge